

### **REMARKS/ARGUMENTS**

Claims 1, and 23 are amended. Claims 14, 24 and 37 are canceled. Claims 2-13, 15-22, 25-36, 38-45 remain unchanged.

Reconsideration of the rejections and allowance of all claims are respectfully requested.

#### **35 USC 103 rejections**

Independent claims 1 and 23 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Gobburu et al (US 6,736,322), in view of Young et al (US Publication No: 2002/0065774) and in further view of Taylor et al (US Publication No: 2002/0025796), as set forth in the non-final office action of January 2, 2009.

Claims 1 and 23 differ from the suggested combination because neither Gobburu, nor Young nor Taylor teach “a communication device that comprises a subscriber identification module (SIM) card slot and that the payment card reader is electrically connected to the SIM card slot”.

It was admitted that Gobburu and Young do not disclose this limitation. It was then argued that Jacobson teaches the above mentioned limitation in paragraph (0015). However this is incorrect. Jacobson describes in paragraph (0015) a prior art electronic device (Schuster et al; US 6,062,887) capable of accommodating a multimedia card (MMC) and a SIM card. The rear housing portion includes a dual card reader and a recess for accommodating a battery pack. The dual card reader includes a reader housing and a drawer. For electrically connecting the MMC and the SIM with the electronic device the user places the MMC and the SIM in the drawer, inserts the drawer in the battery pack recess and slides the drawer in the reader housing. Since the recess is a battery pack recess and not a SIM card slot the cited prior art reference does not disclose the above mentioned limitation.

Accordingly, it is concluded that since neither Gobburu, nor Young nor Jacobson /Schuster teach the above mentioned limitation, their combination cannot possible teach it either.

Claims 1 and 23 also differ from the suggested combination because neither Gobburu, nor Young nor Taylor teach “a fulfillment server receiving said payment confirmation from said payment server and transmitting said digital good via said authentication server to said communication device, wherein said communication device stores said digital good onto said payment card”

It was admitted that “Gobburu does not specifically disclose the above mentioned limitation. It was further argued that Young however, discloses the above mentioned limitation, and that it would have been obvious to combine the two cited documents to arrive to the present invention of claims 1 and 23.

However, this is still incorrect. Young does not teach the above mentioned limitation of: “storing the digital good onto the payment card”, because one cannot store a physical good such as a coat onto a payment card. Accordingly, it is concluded that a *prima facie* evidence of obviousness of claims 1 and 23 over Gobburu et al (US 6,736,322), in view of Young et al (US Publication No: 2002/0065774) is not provided.

Based on the above mentioned reasons it is believed that the present invention of claims 1 and 23 are patentably distinguishable from Young et al alone or Gobburu et al alone, or Taylor et al alone, or Jacobson/Schuster et al alone and from their combination.

Claims 2- 13, 15-22 and 25-36, 38- 45 depend upon claims 1 and 23, respectively, and since claims 1 and 23 are patentably different from Young et al and/or Gobburu et al and/or Taylor et al, and/or Jacobson/Schuster et al, they are also patentably different from the suggested combinations.

It is believed that all of the pending claims have been addressed in this paper. Failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. Nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In view of the above, it is submitted that the rejections of claims 1-13, 15-23, 25-36, 38-45 are overcome and the claims are now in condition for allowance. Reconsideration of the claims rejection is requested and allowance of claims 1-13, 15-23, 25-36, 38-45 at an early date is solicited.

If this response is found to be incomplete, or if a telephone conference would otherwise be helpful, please call the undersigned at 781-235-4407.

Respectfully submitted,

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Certificate of Mailing      Date of Deposit      4/29/09

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I hereby certify under 37 CFR 1.10 that this correspondence is being electronically submitted on the date indicated above and is addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450